

for the

United States of America

-versus-

Kenyon Dajuan Gaither

Date of Previous Judgment: June 25, 2008

(Use Date of Last Amended Judgment if Applicable)

Case No: 4:07-208-006 (TLW)USM No: 15113-171

Pro se

Defendant's Attorney

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is **DENIED** (Docs. # 466 & # 467). This case does not qualify because the mandatory minimum overrides the guidelines. Accordingly, the guideline range is unaffected by Amendment 750.

IT IS SO ORDERED.

Order Date: April 9, 2012

s/ Terry L. Wooten

Judge's signature

Effective Date:

(if different from above)

Terry L. Wooten, United States District Judge